

Message Text

CONFIDENTIAL

PAGE 01 STATE 034070
ORIGIN MCT-01

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DRAFTED BY M/CT:LDHECK:IJG
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FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA IMMEDIATE

C O N F I D E N T I A L STATE 034070

INFORM CONSULS

E.O. 11652: GDS

TAGS: PINS

SUBJECT: US POLICIES DURING ABDUCTIONS OF AMERICANS

REF: (A) A-775, FEBRUARY 5, 1975; (B) A-4708, JULY 10,
1975; (C) A-4709, JULY 10, 1975; (D) A-4964, JULY 22, 1975

FOR THE AMBASSADOR FROM AMBASSADOR HECK

1. THIS IS A REPEAT OF STATE 283548, DATED DECEMBER 2,
1975.
2. SINCE THE ISSUANCE OF A-775, AND AS A RESULT OF TER-
RORIST INCIDENTS INVOLVING THE USG SINCE THAT TIME,
QUESTIONS HAVE ARISEN AS TO HOW OUR TERRORISM POLICIES ARE
TO BE IMPLEMENTED BOTH IN WASHINGTON AND IN THE FIELD. IN
DEALING WITH TERRORIST INCIDENTS AND HOSTAGE SITUATIONS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 034070

INVOLVING EITHER PRIVATE US CITIZENS ABROAD OR REPRESENTA-
TIVES OF THE USG, YOUR MISSIONS AND THE DEPARTMENT ARE
FACED WITH SITUATIONS REQUIRING THE UTMOST IN PROFESSIONAL
DEDICATION AND PERSERVERANCE. OUR GOAL IS THE PROTECTION
OF LIVES IN SUCH A WAY AS TO DENY SUCCESS TO TERRORIST
GROUPS WHO SEEK TO ACHIEVE THEIR OBJECTIVES THROUGH EITHER
POLITICAL OR FINANCIAL BLACKMAIL OR OTHER DEMANDS. OUR

NO-RANSOM, NO-NEOGTIATION POLICY IS IN THIS REGARD A FUNDA-

MENTAL DETERRENT. WHILE IT IS PERHAPS THE MOST DIFFICULT OF POLICIES TO APPLY, AND OFTEN INVOLVES DECISIONS IN MATTERS OF LIFE OR DEATH, IT IS A POSITION WE MUST MAINTAIN IF OUR EFFORTS TO ARREST THE SPREAD OF INTERNATIONAL TERRORISM ARE TO BE CREDIBLE AND EFFECTIVE.

3. OUR POLICY CONTINUES TO REST ON:

(A) THE FUNDAMENTAL RESPONSIBILITY OF THE HOST GOVERNMENT FOR THE PROTECTION OF ALL PERSONS WITHIN ITS TERRITORIES;

(B) THE HOST GOVERNMENT'S SOVEREIGN RIGHT TO DECIDE HOW IT WILL FULFILL THAT RESPONSIBILITY;

(C) THE RESPONSIBILITY OF THE US GOVERNMENT TO EXERT ALL APPROPRIATE EFFORTS FOR THE SAFETY OF ITS CITIZENS ABROAD;

(D) THE IMPORTANCE OF DENYING SUCCESSES TO TERRORISTS, SO THAT INCENTIVES TO TERRORIST GROUPS TO SEIZE AMERICANS AND OTHERS ABROAD WILL BE MINIMIZED;

(E) THE CONSEQUENT IMPORTANCE OF THE US NOT ONLY REFUSING, ITSELF, TO PAY RANSOM, RELEASE PRISONERS OR OTHERWISE YIELD TO TERRORIST BLACKMAIL, BUT ALSO OF OUR NOT BEING ASSOCIATED WITH, OR ENCOURAGING, DECISIONS OR ARRANGEMENTS BY OTHERS TO ACCEDE TO TERRORIST DEMANDS.

CONFIDENTIAL

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PAGE 03 STATE 034070

4. THESE OFTEN CONFLICTING CONSIDERATIONS AND OBJECTIVES CAN PRESENT DIFFICULT ISSUES REQUIRING RAPID DECISION. THOUGH IT IS IMPOSSIBLE TO ANTICIPATE AND ESTABLISH GUIDELINES FOR ALL CIRCUMSTANCES, THE FOLLOWING SHOULD HELP TO ENSURE ACCURATE UNDERSTANDING AND EFFECTIVE IMPLEMENTATION OF APPROVED US POLICIES FOR HANDLING ABDUCTIONS OF US CITIZENS ABROAD.

(A) IMMEDIATELY FOLLOWING SUCH AN ABDUCTION THE US WILL OFFER TO PROVIDE THE HOST GOVERNMENT WITH ALL PRACTICABLE, DESIRED ASSISTANCE AND ADVICE, SUCH AS INTELLIGENCE, EQUIPMENT, TECHNICAL SERVICES (E.G., HANDWRITING ANALYSIS) AND HELP IN ENLISTING CONTACTS OR INTERMEDIARIES. IT WILL BE MADE CLEAR THAT OUR ADVICE AND ASSISTANCE ARE TO BE ACCEPTED OR REJECTED BY THE HOST GOVERNMENT AT ITS COMPLETE DISCRETION.

(B) THE US WILL NOT COUNSEL THE HOST GOVERNMENT ON HOW IT SHOULD RESPOND TO DEMANDS FROM THE ABDUCTORS. THIS REFUSAL

TO BECOME INVOLVED IN HOST GOVERNMENT NEGOTIATING DECISIONS, EXCEPT FOR THE STATEMENT OF US POLICY IN (4,C) BELOW, FLOWS FROM THE PRINCIPLE THAT IT IS THE HOST GOVERN-

MENT'S RIGHT AND OBLIGATION TO DECIDE HOW IT WILL MEET ITS RESPONSIBILITY TO PROTECT PERSONS WITHIN ITS TERRITORIES.

(C) IF RANSOM OR PRISONER RELEASE DEMANDS ARISE THE US WILL REMIND THE HOST GOVERNMENT THAT THE US DOES NOT PAY RANSOM, RELEASE PRISONERS OR OTHERWISE YIELD TO BLACKMAIL; AND THAT WE URGE THE MERITS OF THIS POLICY ON OTHER GOVERNMENTS, COMPANIES AND INDIVIDUALS.

(D) IF THE HOST GOVERNMENT APPEARS TO BE PLANNING TO MEET RANSOM, PRISONER RELEASE OR OTHER TERRORIST DEMANDS, THE US WILL ASSUME A NEUTRAL POSTURE TOWARD THAT DECISION, IN RECOGNITION OF THE HOST GOVERNMENT'S SOVEREIGN RIGHT AND CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 034070

OBLIGATION TO PROTECT FOREIGNERS IN ITS TERRITORIES BY THE MEANS IT CONSIDERS BEST.

(E) IF A PRIVATE AMERICAN COMPANY, FAMILY OR INDIVIDUAL APPEARS TO BE CONSIDERING MEETING A RANSOM DEMAND, THE US WILL MAKE KNOWN ITS VIEW THAT SUCH DEMANDS SHOULD NOT BE ACCEDED TO, IN ORDER NOT TO ENCOURAGE FURTHER TERRORISM, BUT WILL THEN ADOPT A NEUTRAL STANCE.

(F) OUR GENERAL POLICY IS THAT THE USG WILL NOT ACCEDE TO A REQUEST BY ANOTHER GOVERNMENT OR PRIVATE PARTY THAT WE FACILITATE ITS PAYMENT OF RANSOM. HOWEVER, THERE MAY BE EXTREME CASES IN WHICH IT IS DETERMINED THAT AN EXCEPTION TO THE RULE IS NECESSARY. SUCH EXCEPTIONS MAY BE CONSIDERED ONLY (1) IF THE PAYMENT WILL NOT VIOLATE THE LAWS OF THE COUNTRY CONCERNED; AND, (2) IF WE ARE REASONABLY CONFIDENT THAT THE US FACILITATIVE ROLE WILL NOT BECOME PUBLICLY KNOWN. SUCH FACILITATION, HOWEVER, WILL NEVER BE PROVIDED WITHOUT EXPLICIT, PRIOR WASHINGTON APPROVAL.

(G) THE US MAY ACCEDE TO A REQUEST BY ANOTHER GOVERNMENT THAT WE ASSIST ITS EFFORTS TO ARRANGE THE SAFE CONDUCT OF TERRORISTS FROM THE COUNTRY ONLY IF OUR ASSISTANCE IS ENTIRELY OF A MECHANICAL NATURE, SUCH AS THE RELAY OF MESSAGES WITHOUT ASSOCIATION WITH THEIR SUBSTANCE. SUCH ASSISTANCE WILL BE PROVIDED ONLY AFTER EXPLICIT WASHINGTON DIRECTION OR APPROVAL.

(H) IF ABDUCTORS SEEK TO NEGOTIATE WITH, THROUGH OR UNDER THE AUSPICES OF THE US EMBASSY, CLAIMING THAT NEGOTIATION WITH THE HOST GOVERNMENT WOULD BE DANGEROUS OR OTHERWISE

IMPRACTICAL, THE EMBASSY SHOULD TAKE NECESSARY TEMPORIZING ACTION AND AT ONCE REPORT THE SITUATION TO THE DEPARTMENT WITH ITS RECOMMENDATIONS.

(I) IF A HOST GOVERNMENT PROVES UNWILLING OR UNABLE EFFEC-
CONFIDENTIAL

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PAGE 05 STATE 034070

TIVELY TO DISCHARGE ITS RESPONSIBILITY TO SECURE AN AMERICAN HOSTAGE'S RELEASE, EITHER BY FAILING TO ESTABLISH CONTACT WITH THE ABDUCTORS OR BY FAILING TO PURSUE EFFECTIVELY DISCUSSIONS OR NEGOTIATIONS DIRECTLY OR INDIRECTLY WITH THEM, THE US MAY NOMINATE TO THE HOST GOVERNMENT AN INTER-MEDIARY WHOM IT BELIEVES MIGHT FACILITATE HOST GOVERNMENT-ABDUCTOR CONTACT AND NEGOTIATIONS OR EMPLOYER/FAMILY-ABDUCTOR CONTACT AND NEGOTIATIONS. SUCH ACTION WILL BE TAKEN ONLY ON THE BASIS OF EXPLICIT WASHINGTON AUTHORITY. THERE WILL BE NO US GOVERNMENT INVOLVEMENT IN WHATEVER CONTACT OR NEGOTIATIONS RESULT.

(J) IF THE LIFE OF AN AMERICAN HOSTAGE APPEARS IN SUCH IMMINENT DANGER AS NOT TO ALLOW TIME FOR THE COURSE OF ACTION IN (I) ABOVE, OR IF THE HOST GOVERNMENT REJECTS THE US PROPOSAL OF AN INTERMEDIARY, OR IF THE INTERMEDIARY'S EFFORTS PROVE UNSUCCESSFUL, OR IF NOMINATION OF AN INTER-MEDIARY TO THE HOST GOVERNMENT DOES NOT APPEAR TO BE A PROMISING COURSE OF ACTION, THE US MAY ITSELF CONDUCT DISCUSSIONS WITH THE ABDUCTORS AT THEIR OR US INITIATIVE, IN ORDER TO OPEN A DIALOGUE WITH THEM. THE DIALOGUE WILL BE LIMITED TO SUCH MATTERS AS THE WELL-BEING OF THE HOSTAGE AND HUMANITARIAN AND OTHER FACTORS ARGUING FOR THE HOSTAGE'S UNCONDITIONAL RELEASE. AT NO TIME WILL SUCH DIALOGUE INVOLVE NEGOTIATIONS ON RANSOM DEMANDS OF ANY KIND WHICH THE ABDUCTORS MAY HAVE PRESENTED. A DIALOGUE MAY BE INITIATED ONLY WITH (1) EXPLICIT WASHINGTON APPROVAL; (2) THE APPROVAL OR ACQUIESCENCE OF THE HOST GOVERNMENT; AND, (3) ON THE CLEAR UNDERSTANDING THAT THE US GOVERNMENT'S READINESS TO TREAT WITH THE ABDUCTORS INVOLVES NO MODIFICATION OF OUR POLICY REGARDING NON-PAYMENT OF RANSOM, RELEASE OF PRISONERS OR OTHER SUBMISSION TO BLACKMAIL, OR OF OUR POLICY OF REFUSING TO NEGOTIATE WITH RESPECT TO SUCH MATTERS.

(K) IF THE HOST GOVERNMENT IS UNWILLING OR UNABLE TO DIS-
CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 034070

CHARGE ITS RESPONSIBILITIES FOR THE RELEASE OF THE HOS-

TAGE, BUT ANOTHER GOVERNMENT IS WILLING AND ABLE TO SEEK INFORMATION ON THE HOSTAGE'S WHEREABOUTS AND WELFARE AND/OR TO FACILITATE DISCUSSIONS BETWEEN THE US AND THE ABDUCTORS, THE US MAY AVAIL ITSELF OF THIS ASSISTANCE. THIS WILL BE DONE WITH THE APPROVAL OR ACQUIESCENCE OF THE HOST GOVERNMENT WHERE FEASIBLE AND ONLY (1) WITH EXPLICIT WASHINGTON APPROVAL, AND (2) ON THE CLEAR UNDERSTANDING THAT THE US GOVERNMENT'S READINESS TO TREAT WITH THE ABDUCTORS INVOLVES NO MODIFICATION OF OUR POLICY REGARDING NON-PAYMENT OF RANSOM; RELEASE OF PRISONERS OR OTHER SUB-

MISSION TO BLACKMAIL, OR OF OUR POLICY OF REFUSING TO NEGOTIATE WITH RESPECT TO SUCH MATTERS.

5. REFERENCE INSTRUCTIONS ARE BEING REVISED TO REFLECT THE ABOVE GUIDANCE.
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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
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